

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

SHIRLEY JEAN CUREAU,)	No. ED104097
)	
Respondent,)	Appeal from the Circuit Court
)	of St. Louis County
vs.)	13SL-DR07235-01
)	
ALFRED JOSEPH CUREAU, SR.,)	Honorable Douglas R. Beach
)	
Appellant.)	Filed: March 28, 2017

Alfred Joseph Cureau, Sr. (“Husband”) appeals from the trial court’s Amended Judgment/Order and Decree of Dissolution (“First Amended Judgment”) and Second Amended Judgment/Order and Decree of Dissolution (“Second Amended Judgment”). Husband claims the trial court erred in issues related to division of marital property and maintenance. Specifically, in his first point on appeal, Husband argues the trial court erred in ordering him to pay Shirley Jean Cureau (“Wife”) an equalization payment of \$115,000 in its First Amended Judgment and awarding him nominal, modifiable maintenance in its Second Amended Judgment. In Husband’s second point on appeal, he asserts the trial court erred in ordering Wife to pay Husband one dollar per year in contractual, modifiable maintenance in its Second Amended Judgment.

AFFIRMED AS MODIFIED.

Division One holds:

- (1) The trial court did not err in ordering Husband to pay Wife an equalization payment of \$115,000 and awarding him nominal, modifiable maintenance.
- (2) Husband and Wife agree the trial court erred in designating Wife’s maintenance award as contractual, modifiable maintenance rather than decretal, modifiable maintenance. Therefore, pursuant to Missouri Supreme Court Rule 84.14, we render the judgment the trial court should have rendered and modify the Second Amended Judgment to delete the word “contractual” and designate Wife’s maintenance obligation as “decretal, modifiable maintenance.”

Opinion by: Robert M. Clayton III, P.J.
Mary K. Hoff, J., and Lisa P. Page, J., concur.

Attorney for Appellant: Craig G. Kallen, Rachel S. Gray

Attorney for Respondent: Gary M. Siegel, Kimberly M. Metzger

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.